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6 UNITED STATES DISTRICT COURT
7 WESTERN DISTRICT OF WASHINGTON
8 AT SEATTLE

9 UNITED STATES OF AMERICA,

10 Plaintiff,

Case No. CR20-197 RAJ

11 v.

ORDER

12 TISHA GIRTZ,

13 Defendant.

14 **I. INTRODUCTION**

15 This matter is before the Court on Defendant Girtz's motion to modify her conditions of
16 release to allow communication with her fiancé Lee Wallette. (Mot. (Dkt. # 83).) The
17 government opposes Defendant's motion. (Dkt. # 89.) Having considered the parties' arguments,
18 submissions, the balance of the record, and the governing law, the Court DENIES Defendant's
19 motion.

20 **II. BACKGROUND**

21 The government alleges Defendant and co-defendants worked together to distribute
22 methamphetamine, heroin, and fentanyl. (Dkt. # 89 at 1.) Defendant was arrested on December
23 2, 2020. (Dkt. # 46.) Defendant is charged with Conspiracy to Distribute controlled substances in

1 violation of 21 U.S.C. § 841(a)(1) and § 846 and two counts of Possession of Methamphetamine
2 and Fentanyl with Intent to Distribute in violation of 21 U.S.C. §§ 841(a)(1) and (b)(1)(B). (Dkt.
3 # 1.)

4 The Court held a detention hearing on December 2, 2020 and released Defendant on an
5 appearance bond. (Dkt. ## 46, 47.) One of the bond conditions required Defendant to not have
6 “direct contact or indirect contact with any existing and/or future co-defendant(s) in this case,
7 including Lee Wallette.” (Dkt. # 47 at 1.) Mr. Wallette is Defendant’s fiancé and is currently in
8 custody at the Federal Detention Center (“FDC”). Defendant’s instant motion requests she have
9 communication with Mr. Wallette and keep him updated on her son T.F.’s well-being. (Mot. at
10 2.) Defendant asserts Mr. Wallette lived with her and T.F. for a year before being arrested and
11 often helped with parenting duties. (*Id.*) Defendant asserts T.F. was inconsolable when Mr.
12 Wallette was arrested and repeatedly asks to speak with him. (*Id.*) Defendant asserts that because
13 all communication with Mr. Wallette at the FDC is monitored, any potential concern for witness
14 tampering or additional criminal activity would be discovered. (*Id.*)

15 **III. DISCUSSION**

16 The Court finds modification of Defendant’s bond to allow for communication with Mr.
17 Wallette unwarranted at this time. The Court initially found Defendant is a risk of nonappearance
18 based on her history of failing to appear, an outstanding warrant, substance abuse issues, and
19 violation history. The Court also found Defendant is a risk of danger based on the nature of the
20 instant offense, substance issues, and prior criminal history. The conditions the Court previously
21 imposed reasonably assured future appearances and addressed danger to other persons or the
22 community. Since the detention hearing, Defendant has not complied with her conditions of
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1 supervision. Specifically, Defendant was required to comply with her location monitoring
2 program and failed to submit a facial recognition check in via the Smartlink application.

3 Because Ms. Girtz has failed to comply with her bond conditions, the Court declines to
4 modify Defendant's bond conditions to allow Defendant to communicate with Mr. Wallette. The
5 Court notes there is no bond condition prohibiting T.F. from communicating with Mr. Wallette,
6 so long as it is facilitated by someone other than Defendant.

7 **IV. CONCLUSION**

8 For the foregoing reasons, the Court denies Defendant's motion (dkt. # 83.) The Clerk is
9 directed to send copies of this order to the parties and to the Honorable Richard A. Jones.

10 Dated this 25th day of January, 2021.

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14 MICHELLE L. PETERSON
United States Magistrate Judge
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